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PTO/SB/17 (12-04v2)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	09/589,288-Conf. #1519
		Filing Date	June 8, 2000
		First Named Inventor	Guo-Liang Yu
		Examiner Name	B. E. Bunner
		Art Unit	1647
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	PF343P3C5
TOTAL AMOUNT OF PAYMENT (\$) 180.00			

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>08-3425</u> Deposit Account Name: <u>Human Genome Sciences, Inc.</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
						Fee (\$)	Small Entity Fee (\$)
Fee Description							
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
_____ - = _____		x _____	= _____		Fee (\$) Fee Paid (\$)		
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
_____ - = _____		x _____	= _____				
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)		
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____		= _____			
4. OTHER FEE(S)							
						Fees Paid (\$)	
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement						180.00	

SUBMITTED BY			
Signature	<u>Michele Shannon</u>	Registration No. (Attorney/Agent)	47,075
Name (Print/Type)	Michele Shannon	Telephone	(301) 354-3930
		Date	<u>June 10, 2005</u>



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yu et al.

Docket No.: PF343P3C5

Application No.: 09/589,288

Confirmation No.: 1519

Filed: June 8, 2000

Art Unit: 1647

For: Methods of Treatment Using Antibodies to
Neutrokin-alpha (As Amended)

Examiner: B. E. Bunner

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Agent for Applicants hereby directs the Examiner's attention to references E1-E3 listed on the attached Form PTO/SB/08. A copy of the non-U.S. patent reference is enclosed.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Pursuant to 37 C.F.R. § 1.97(d), since this Information Disclosure Statement is being filed after the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R.

§ 1.311, or an action that otherwise closes prosecution, but before payment of the Issue Fee, the Patent and Trademark Office will consider this Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) and by the fee as specified in 37 C.F.R. § 1.17(p).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(2) that no item of information contained in the Form PTO/SB/08 submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Form PTO/SB/08 submitted herewith was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Specifically, reference E1, U.S. Patent No. 6,869,605, issued March 22, 2005 and Reference E2, U.S. Patent No. 6,875,846, issued April 5, 2005. Applicants note that the earliest priority date of both patents are well after the earliest priority date of the present application. Moreover, both provisional applications to which U.S. Patent No. 6,869,605 claims priority, i.e. provisional application numbers 60/117,169 and 60/143,228, were already disclosed to the Patent Office in this case with Applicants' Information Disclosure Statement filed August 20, 2001 (see references A11 and A12).

Additionally, reference E3, was submitted to the European Patent Office on March 14, 2005 in conjunction with Opposition Proceedings against EP Patent No. 1146892 issued to Biogen Inc. and Apoxis SA. Reference E3 is the response of Biogen Inc. and Apoxis SA to Oppositions of EP Patent No. 1146892 lodged by Human Genome Sciences Inc. (HGS) and Serono International SA (Serono). Applicants are submitting E3 because statements have been made in E3 characterizing the disclosure of International Application Number PCT/US96/17957, an application to which the present application claims priority. (See, for example, paragraph 2.2, paragraph 2.5, section 6.2 and section 7 on pages 2, 3, 10-16 and 21-24 of reference E3, respectively). International Application Number PCT/US96/17957 published as International Patent Publication Number WO98/18921 which is referred to as reference D1 below and as reference C1 in reference E3.

To set reference E3 in context for the Examiner, Applicants also provide herewith a copy of EP Patent No. 1146892 issued to Biogen Inc. and Apoxis SA, and copies of Human Genome Sciences' (HGS) and Serono's Oppositions to EP Patent No. 1146892. In HGS' opposition, HGS cited references D1-D10. Serono also relied on references D1-D10, in-part, and

additionally cited references D11-D14 in its Opposition filings. References D1-D3 and D5-D10 relied on by HGS in its Opposition filing were already cited to the Patent Office in this case as reference B3, A33, A13, A62, A57, A59, A5, A11 and A12 (See Applicants' Information Disclosure Statements filed August 20, 2001 for "A" references and May 3, 2002 for "B" references). Reference D4 relied on by HGS in its Opposition filing is the priority document to reference A20 cited in this case in Applicants' August 20, 2001 Information Disclosure Statement. Additional documents D11, D12 and D14 relied upon by Serono in its Opposition filing were already cited to the Patent Office in this case as references A30, A29 and A21 in Applicants' August 20, 2001 Information Disclosure Statement. Reference D13 relied upon by Serono has not been cited in the present application, but is a tangential reference that relates to the definition of the term "hypertension." Finally, reference E3 makes reference to document C12, a post filing date review article by David Wallach, dated 2001. Copies of references D13 relied upon by Serono and C12 cited in E3 are provided herewith as a courtesy to the Examiner.

The Patent & Trademark Office is hereby authorized to charge our Deposit Account No. 08-3425 in the amount of \$180.00 as payment of the required fee, as itemized on the Fee Transmittal Sheet submitted concurrently herewith. The Patent & Trademark Office is also authorized to charge any additional required fee or credit any overpayment in connection with this submission to our Deposit Account No. 08-3425.

Dated: June 10, 2005

Respectfully submitted,

By Michele Shannon
Michele Shannon

Registration No.: 47,075
HUMAN GENOME SCIENCES, INC.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, Maryland 20850
(301) 354-3930

KKH/MS/ba



PTO/SB/08a/b (08-03)

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Substitute for form 1449A/B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(Use as many sheets as necessary)*

Sheet	1	of	1	Attorney Docket Number	PF343P3C5
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Complete if Known

Application Number	09/589,288-Conf. #1519
Filing Date	June 8, 2000
First Named Inventor	Guo-Liang Yu
Art Unit	1647
Examiner Name	B. E. Bunner
Attorney Docket Number	PF343P3C5

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	E1	6,869,605	03-22-2005	Browning et al.	
	E2	6,875,846	04-05-2005	Rennert et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	E3	Biogen Inc. and Apoxis SA's Response (including Annexes A and B and the Main Request containing a substitute set of claims) to Human Genome Sciences and Serono's Oppositions of EP Patent No. 1146892. The Response was filed in the European Patent Office on March 14, 2005.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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